

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

JASON DAVID BROWN,
LASZLO BOZSO, and
MERIS DUDZIC,
individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

LOWE’S COMPANIES, INC., and
LEXISNEXIS SCREENING
SOLUTIONS, INC.

Defendants.

Case No. 5:13-CV-00079-RLV-DCK

***Consolidated with:* Case No. 5:15-cv-00018**

JOINT MOTION TO EXTEND STAY PENDING MEDIATION

Defendant Lowe’s Companies, Inc. (“Lowe’s”), Defendant First Advantage f/k/a LexisNexis Screening Solutions, Inc., and Plaintiffs Jason David Brown, Laszlo Bozso and Meris Dudzic (collectively, “the parties”), by counsel, hereby jointly move this Court to stay this matter pending the completion of voluntary mediation. In support of this motion, the parties state as follows:

1. On February 20, 2015, this Court granted Defendant Lowe’s motion to consolidate the instant case and *Ingram-Fleming, et al. v. Lowe’s Home Centers, LLC*, and designated the instant case as the “Lead Case.” (Doc. No. 64.)

2. Also on February 20, 2015, this Court granted the parties’ Joint Motion to Stay Proceedings pending mediation to and including April 30, 2015. (Doc. No. 63.) This Court further ordered that, on or before April 30, the parties shall provide a status report to the Court

regarding mediation and, if the case has not resolved, submit a revised Pretrial Order and Case Management Plan. *Id.*

3. Defendants and the *Brown* Plaintiffs in the instant case have scheduled mediation before mediator Hunter R. Hughes, Esq. of the Atlanta law firm Rogers & Hardin LLP for May 27, 2015, in Atlanta. May 27 was the earliest common date available to the mediator and counsel for all parties. As of the date of filing this motion, it is unclear whether Ingram-Fleming will participate in that mediation.

4. To facilitate mediation preparation, the parties desire to stay discovery and all case deadlines.

5. Accordingly, the parties respectfully request that the stay in this case be extended pending mediation, to and including June 1, 2015.

6. In connection with the stay extension, on or before June 1, the parties will provide to the Court a status report regarding mediation and, if necessary, will submit a revised Pretrial Order and Case Management Plan providing a schedule for completion of discovery and other case deadlines.

7. The parties conferred with counsel for Plaintiff April Ingram-Fleming regarding this motion. Ingram-Fleming does not consent to the relief requested herein and does not join in this motion.

8. This motion is made in good faith pursuant to Federal Rule of Civil Procedure 6(b) and is not made for the purpose of delaying this action.

9. The parties are hopeful that a May 27 mediation will lead to a resolution of this matter and that further extensions of the stay will not be necessary. However, a disagreement among Plaintiffs in the *Brown* and *Ingram-Fleming* cases, as reflected in the pending Rule 23(g)

Motion to Appoint Interim Class Counsel (filed Friday, April 3), calls into question the parties' ability to fully and efficiently mediate this matter on May 27, in which case an additional request for extension may be necessary.

10. A proposed Order granting this Motion is attached.

Dated: April 13, 2015.

Respectfully submitted,

**JASON DAVID BROWN, LASZLO BOZSO
AND MERIS DUDZIC**

By: s/Brett E. Dressler

Brett E. Dressler
Sellers, Hinshaw, Ayers, Dortch & Lyons, PA
301 S. McDowell, Suite 410
Charlotte, NC 28277

Michael A. Caddell
Cynthia B. Chapman
Craig C. Marchiando
Caddell & Chapman
1331 Lamar, Suite 1070
Houston, TX 77010-3027

Leonard A. Bennett
Consumer Litigation Associates, P.C.
763 Clyde Morris Blvd., Suite 1A
Newport News, VA 23601

Matthew A. Dooley
Anthony R. Pecora
Stumphauzer O'Toole
5455 Detroit Road
Sheffield Village, OH 44054

Ian B. Lyngklip
Lyngklip & Associates Consumer Law Ctr., PLC
24500 Northwestern Highway, Suite 206
Southfield, MI 48075

*Attorneys for Plaintiffs Brown, Bozso and
Dudzic*

**FIRST ADVANTAGE F/K/A
LEXISNEXIS SCREENING
SOLUTIONS, INC.**

By: s/Robert W. Fuller, III

Robert W. Fuller, III
Pearlynn G. Houck
Robinson, Bradshaw & Hinson, PA
101 North Tryon Street, Suite 1900
Charlotte, NC 28246

Jeffrey S. Jacobovitz
Arnall Golden Gregory, LLP
1775 Pennsylvania Ave., NW
Suite 1000
Washington, DC 20006

C. Knox Withers
Henry R. Chalmers
Arnall Golden Gregory, LLP
171 17th Street NW, Suite 2100
Atlanta, GA 30363

*Attorneys for Defendant First
Advantage f/k/a LexisNexis Screening
Solutions, Inc.*

LOWE'S COMPANIES, INC.

By: s/Brent A. Rosser

Brent A. Rosser
Hunton & Williams LLP
Bank of America Plaza
101 South Tryon Street, Suite 3500
Charlotte, NC 28280

Telephone: (704) 378-4700
Facsimile: (704) 378-4890
E-Mail: brosser@hunton.com

Kevin J. White*
Robert T. Quackenboss*
Hunton & Williams LLP
2200 Pennsylvania Avenue, N.W.
Washington, DC 20037
Telephone: (202) 955-1500
Facsimile: (202) 778-2201
E-Mail: kwhite@hunton.com
E-Mail: rquackenboss@hunton.com
* (*Pro Hac Vice*)

*Attorneys for Defendant Lowe's
Companies, Inc.*

CERTIFICATE OF SERVICE

I certify that on April 13, 2015, I electronically filed the foregoing **JOINT MOTION TO EXTEND STAY PENDING MEDIATION** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Brent A. Rosser
